



California Fair Political Practices Commission

September 28, 1988

Susan Daily
Maricopa City Clerk
P.O. Box 548
Maricopa, CA 93252

Re: Your Request for Advice
Our File No. I-88-341

Dear Ms. Daily:

You have requested advice about the filing obligations of a person under the conflict of interest disclosure provisions of the Political Reform Act.^{1/} Because you do not indicate that you have been authorized by the person to request advice, this letter is considered to be a request for informal assistance.^{2/}

QUESTION

Is an appointee to a city council position who resigns from office less than 30 days after assuming office required to file an assuming office statement and a leaving office statement of economic interests?

CONCLUSION

An appointee to a city council position who assumes office is required to file an assuming office statement and a leaving office statement even if the person resigns from office within 30 days of assuming office.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/}Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 84113; Regulation 18329(c)(3).)

ANALYSIS

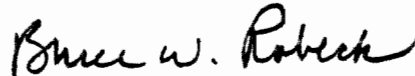
Members of city councils are required to file statements of economic interests. (Section 87200.) Everyone who is appointed to a city council position is required to file a statement within 10 days after assuming office disclosing his or her investments and real property interests. (Section 87202.) The obligation to file an assuming office statement exists regardless of the length of service. Even though the city council appointee was in office less than 30 days, he or she still is required to file an assuming office statement.

Within 30 days after leaving office, each city council member is required to file a statement disclosing his or her investments, interests in real property and sources of income. (Section 87204.) A leaving office statement is required regardless of the length of service.

If you have further questions please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



By: Bruce W. Robeck
Political Reform Consultant

DMG:BWR:kmt

CITY OF
MARICOPA

"GATEWAY TO THE SEA"



Area Code (805) - 769-8279

Box 548, Maricopa, CA 93252

August 26, 1988

Fair Political Practices
P.O. Box 807
Sacramento, CA 95804-0807

Re: SEI Enclosed

Enclosed please find a copy of Mr. Ron Bracken's resignation from the City Council of the City of Maricopa. On July 22, 1988 I informed you that Mr. Bracken had been appointed to fill Ms. Dehn's position on the council and that he received his SEI to complete on that date. Mr. Bracken was at that time informed he had 10 days in which to file his statement. On August 2, 1988 I spoke with Mrs. Bracken and informed her that her husband's statement was late. She informed me that her husband had talked to the FPPC and they told him he had thirty days, and she was taking the SEI to their accountant that day. Mr. Bracken's resignation was accepted by our City Council on August 18th and became effective that date. Mr. Bracken was in office less than thirty days and the only official action he was involved in was the final adoption of an ordinance regarding the regulation of bicycles and skateboards. I would appreciate your official ruling as to whether Mr. Bracken must file an assuming and leaving office SEI.

Mr. Robert Hill was appointed to fill Mr. Bracken's position on August 18, 1988. Mr. Hill's SEI is enclosed.

I would appreciate your reply as soon as possible.

Sincerely,


Susan Daily
City Clerk

RECEIVED
AUG 11 1988

St. Rt. 2, Box 515
Maricopa, CA 93252
August 8, 1988

Maricopa City Council
City of Maricopa
Maricopa, CA 93252

Dear Council Members:

When I was a councilman twenty years ago, it was not a requirement to fill out an Economic Disclosure Statement. Since I have recently been appointed to the Council, I find that this Disclosure must be filed in 30 days.

With reluctance, I wish to submit my resignation. I do not wish to make my private business affairs common knowledge.

I do appreciate the confidence that was shown by this appointment. If I had known previous to the appointment, I would not have accepted the position of City Councilman.

Yours truly,


Ronald R. Bracken

88-341
CITY OF

MARICOPA

AG 36 0 18 47 08
"GATEWAY TO THE SEA"



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AUG 15 PM 2:14

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City of Maricopa
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Ronald R. Bracken